

10/590552

IAP9 Rec'd PCT/PTO 23 AUG 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ITO, et al.	Examiner:	Unknown
Serial No.:	Unknown	Group Art Unit:	Unknown
Filed:	Herewith	Docket:	10873.1940USWO
Title:	METHOD OF JUDGING BIOLOGICAL ACTIVITY IN BIOREMEDIATION SITE AND POLYNUCLEOTIDE FOR DETECTING MICROORGANISM TO BE USED THEREIN		

CERTIFICATE UNDER 37 CFR 1.10

Express Mail mailing label number: EV 858801761 US

Date of Deposit: August 23, 2006

I hereby certify that the papers listed below are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR 1.10 in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: Abbie Larkin

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in an International Search Report mailed April 5, 2005. A copy of the search report is enclosed. Copies of any foreign patent documents or "Other Documents" are enclosed. Copies of the references from the ISR are believed to be available to the Examiner and thus are not provided.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. §(a)(3)):

US 2005/0048524 is an English equivalent of JP 2004-290171. English abstracts have been included for the remaining Japanese references. Partial English translations have been included for the publications written by Y. C. Chang, et al.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):



(1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office Action

10/590552

IAP9 Rec'd PCT/PTO 23 AUG 2006

on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or

- ☐ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
- ☐ the requisite Statement is below, OR
- ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☐ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND
- ☐ the requisite Statement is below, AND
- ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

### STATEMENT

As required under §1.97(e), Applicants hereby state either that:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
- ☐ If this box is checked, Applicant provides the following:

### Certification Under 37 C.F.R. §1.704(d)

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☐ The Examiner is hereby advised of the following co-pending U.S. applications. A copy of each U.S. patent application publication (if published) or application (if not published) is enclosed.

Application No.

Filing Date

Group

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do

10/590552  
IAP9 Rec'd PCT/PTO 23 AUG 2006

not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.


**FEE AUTHORIZATION**

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 50-3478. Any overpayments should be credited to said Deposit Account.

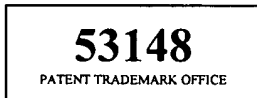
Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800

Dated: August 23, 2006

By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/pjk



10/590552  
IAP9 Rec'd PCT/PTO 23 AUG 2006

<b>FORM 1449*</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 10873.1940USWO	Application Number: Unknown
	Applicant: ITO, et al.	
	Filing Date: Herewith	Group Art Unit: Unknown

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2002/0150887	October, 2002	Maruyama, et al.			
	2005/0048524	March, 2005	Hiraishi			

FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES      NO
	2000-79000	March, 2000	Japan			Abstract
	2000-253886	September, 2000	Japan			Abstract
	2003-154332	May, 2003	Japan			Abstract
	2004-290171	October, 2004	Japan			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Chang et al., "Recent Developments in Studies on PCE-Degrading Microorganisms (1)" Environmental Conservation Engineering, 2000, Vol. 29, No. 8, pp. 642-649 (with partial translation)
	Chang, et al., "Recent Developments in Studies on PCE-Degrading Microorganisms(2)" Environmental Conservation Engineering, 2000, Vol. 29, No. 9, pp. 725-732 (with partial translation)
	Kuwahara, et al., "Genetic Variation in 16S-23S rDNA Internal Transcribed Spacer Regions and the Possible Use of This Genetic Variation for Molecular Diagnosis of Bacteroides Species", Microbiol. Immunol. vol. 45, No. 3, P. 191-199, 2001
	Selvarangan, et al., "Rapid Identification of Commonly Encountered Candida Species Directly from Blood Culture Bottles", J. Clin. Microbiol., 2003, Vol. 41 No. 12, p. 5660-5664
	Frothingham, et al., "Sequence-Based Differentiation of Strains in the Mycobacterium avium Complex", J. Bacteriol., 1993, Vol. 175, No. 10, p. 2818-2825
	Randolph Scott, et al., "Construction of a 16S-23S ribosomal DNA internal transcribed spacer sequence (16S-23S rDNA-ITS)-based microarray for the detection of perchloroethylene (PCE)-degrading microorganisms", The Society for Biotechnology, Japan, Extended Abstracts (The 55 <sup>th</sup> Meeting, 2003), 2J09-3

53148

PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	